IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

MFA.No. 902 of 2002(D)

OPMV.935/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT: (PETITIONER IN O.P.(MV) 935/94)

GIJO GEORGE, PUTHIRICKAL HOUSE,
CHALAKUDY - KOODAPUZHA ROAD,
MUKUNDAPURAM.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS: (RESPONDENTS IN O.P.(MV) 935/94)
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1. C.M.MYTHEENKUNHU, S/O.MAKKAR,
CHERUKAPPILLIL HOUSE, M.O.VIII/441,
PAIPRA,PUTHUPADU, MUVATTUPUZHA.

2. SABU ANTONY, S/O.ANTONY,
THAZHATHEDATH HOUSE, PUTHUPPADIKKARA
KARAKUNNAM DESOM, ERNAKULAM.

3. BRANCH MANAGER, ORIENTAL INSURANCE
CO., MUVATTUPUZHA.

BY ADV. SRI.VPK.PANICKER FOR R3
SRI.P.V.ELIAS FOR R2
SRI.N.N.ELAYATH FOR R2

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

M.F.A.NO. 902 OF 2002 D

Dated this the 2nd day of March, 2007

J U D G M E N T

Antony Dominic, J.

The claimant is the appellant. The accident is seen to have occurred on 25/12/93. When the claimant was travelling in a motor cycle, a mini bus coming from the opposite direction hit him and he was badly injured. He suffered multiple injuries and as per Ext.A11 certificate, the following deformities suffered by him have been noticed.

1. 25% anterolateral angulation of right thigh, upper 1/3rd and limping and shortening of 0.5 c.m. right lower limb.

2. Malunited fracture of left scapuloid.

3. Limitation of dorsiflextion of right ankle of last 5° plantar flextion of last 5° due to parital ankloysis due to right knee adhesion.

2. In the Tribunal evidence adduced and documentary evidence included the medical certificate issued by the Doctor assigning 15% permanent disability. After considering the

evidence on record, the Tribunal awarded a total compensation of Rs.22,000/- and the claimant is in appeal seeking enhancement thereof.

3. We have gone through the Award and we find that as against the permanent disability of 15% certified by the Doctor, without assigning any reason, the Tribunal has quantified compensation taking disability at 5%. In our view, there is no reason for this reduction. Applying 16 as the multiplier adopted by the Tribunal, we are inclined to enhance the compensation towards permanent disability for the 15% certified by the Doctor and award a total sum of Rs.36,000/- as against Rs.7,680/- awarded by the Tribunal. We also notice that Rs.3,300/- alone was awarded by the Tribunal towards loss of amenities, discomforts suffered and inconvenience caused, which is also too low and deserves to be enhanced to Rs.10,000/-. Similarly, only Rs.500/- was awarded towards bystander expenses and this also deserves to be enhanced to Rs.1,500/-. Accordingly, the claimant is awarded additional compensation of Rs.36,020/- in addition to Rs.22,000/- already awarded by the Tribunal. The additional

compensation will carry interest at the rate of 7% from the date of petition till date of realisation.

The award will stand modified as above.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp